Land (1933) Department.

I

MS SERIES.

G.O. No. 682

DATED 21/6/33

Extract
MS 8-7

[Despatch Abstract.]

Forests Sir. the Nanara

Todar Reserve Concessions

Withdrawal Orders

passed

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
lodgw	807 1/33			Ms	1426	Dew	2-11-32
	3-4-33				1424	-	2-11-32
Loopw	804 1/33				359		10-3-82
	1-4-33				1563		27-10-81
lodgw	630 1/33				1561		27-10-31
	17-2-33						

~~FURTHER PAPERS~~

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Sc	302	Dw	2-3-81				
	1189	-	10-6-80				
	38	-	7-1-29				

6801 6-3-33
9.3.33.

No. 39 Mangalore, (Port-Codialbail)
Dated 2nd March, 1933.

From

M.R.Ry.K.A.Karant, Avl., B.A.,B.L.,
Hon. Secretary,
South Kanara Land Holders' Association,
Mangalore.

To

The Secretary to Government,
Development Department,
Fort St. George,
Madras.

Sir,

pp 2-6 below

I am enclosing herewith a copy of the proceedings of a public meeting of land holders held under the auspices of the South Kanara Land Holders' Association at Mangalore on 22-2-1933 and I beg to draw your particular attention to resolution No. III contained therein. I shall thank you to acknowledge receipt of the same and kindly communicate to me the action which Government may be pleased to take on the matter.

p. 5 below

I have the honour to be,
Sir,
Your most obedient servant,

K. A. Karant

Proceedings of a public meeting of landholders held under the auspices of the Land Holder's Association, South Kanara, at 5-30 P.M. of Wednesday, the 22nd February, 1933.

Mr. J.A.Saldanha B.A.LL.B. retired Assistant Sessions Judge and ex-M.L.C., was unanimously voted to the Chair.

.....R.Karant, Secretary to the South Kanara Land Holder's Association and convener of the meetin explained the objects of the meeting.

Rev rend father Vinezes, manager of the estate of His Lordship the Bishop of Mangalore, moved and Mr. V.K.N.Nambesan B.A., B.L., Advocate, Mangalore, and landholder, seconded the following resolution which was unanimously passed.

"That this meeting resolves to appeal to the Government to grant substantial remissions in the current year's land revenue of the district at least to the extent of 25% for the reasons (a) that the prices prevailing in the district in the current year are abnormally low, and in most places in the district lower than even corresponding rates for rice at the time of the introduction of the last settlement in 1902, whilst the cost of cultivation and the standard of living have both increased considerably since that time and (b) that the yields of the crops during the year was been about one-third less than the average crop on account of the unseasonal rains during both the monsoons in the year and consequently the rents due from the tenants to the land lords are largely in arrears.

II. The following resolution moved by Mr. I.P.

Siqueira B.A., B.L., and seconded by Mr.Kodoth Kumaran - Mangalar B.A., B.L., was unanimously passed.

"That this meeting re-affirms the following resolutions passed at a public meeting of the Land Holders held on 14-9-1931 under the presidency of Mr.A.B.Shetty, M.L.C. and communicated to Government:-

"1. That this meeting respectfully urges upon Government the urgent necessity of dropping all re-settlement operations in the South Kanara district considering that the district is already heavily assessed, and, in any event, of suspending such operations until the present slump in prices is over and the ryots are fully assured that the rise in prices, on which mainly re-settlement will be based, will be a permanent fact-or on which they can rely in the future for the payment of any enhanced re-settlement rates."

"2. That this meeting urges upon Government that if they are not pleased to drop or suspend the resettlement operations as requested in the first resolution but are determined to continue the same, Government may be pleased favourably to consider the following important principles in connection with the said operations.

(a)Government have, time and again, held out in the past as their accepted policy that"enhancement or assessment will not be made on account of additional value imparted to the land by the improvements effected by the ryots even though they have been carried out by means of loans from Government." The lands classed as 'dry' in this district are as a rule hilly wastes. In cases where they have been converted into 'wet' or

garden', or 'wet' lands into 'gardens', they have been so done only after an expenditure of considerable labour and money on the part of the ryots In such circumstances to re-classify them into 'wet or 'garden' and assess them at higher rates will be highly unjust and a clear breach of faith on the part of the Government. This meeting, therefore, urges that such reclassification and consequent enhancement of assessment should not be done on any account.

(b) The 'dry' lands in this district have been very heavily assessed at the last settlement. As already stated, they are mostly hilly wastes which grow only tree and shrub growths for the purpose of leaf manure for the cultivation of the wet lands and the gardens. They do not as a rule grow any dry crops. At the last settlement it was a clear error and an injustice to have assessed them on the basis of 'ragi as the standard crop when. not even in one per cent of such lands, is such a crop grown. In these circumstances, this meeting urges upon government that it will be only an act of justice. belated though it be. to reduce the existing rates of assessment on the dry lands in a considerable measure.

(c) The definition of garden adopted at the last settlement is wrong and unjust in including jack tamarind, mango and palmyrah amongst garden trees. Most tamarind trees do not yield and not all yield every year. Except in and near a few important towns in the district the produce of the other trees mentioned above are not a marketable produce. This meeting understands that Government have been pleased recently to delete mango and palmyrah from the list.

This meeting urges also a deletion of jack and sandal wood. On the basis of this wrong definition, a large percentage of land which would otherwise have been classed as dry has been classed as garden and assessed heavily. --- whilst this meeting does not desire a wholesale re-classification of all such lands, they urge upon Government the justice and the need for reclassifying them on the basis of the altered definition, as requested in this part of the resolution, on the application for the purpose, by individual ryots.

That for the reasons mentioned in the resolutions quoted above and also for the reasons given in resolution No. I passed this day this meeting -- urges upon Government the desirability and imperative need, in any event of postponing resettlement of the district till there is a substantial increase in the prices of rice and other produce.

III. Proposed by Mr.B.Manjaya Hegde B.A.,B.L., and seconded by Mr. M.N.Chowta B.A.,B.L., and unanimously passed.

"That this meeting strongly protests against the proposed policy of the gradual withdrawal of the concessions to the cultivators in the reserve forests of Government in the District, enunciated in the proceedings of the Chief Conservator of Forests, Ms. No. 560 dated 17-12-1932, and communicated to the Secretary of the Land Holders Association by the District Forest Officer of North Mangalore, and the actual withdrawal of the concessions in some of the reserves from 1-4-1933.

IV. Proposed by Mr.B.Mahabala Shetty B.A.,B.L., and seconded by Mr. A.M.Mathias and passed unanimously.

"That a deputation consisting of the followir gentlemen and others who may be co-opted by them and led by Mr.K.R.Karant do wait upon the District Collector to represent the grievances of the land-holders of the district in regard to the matters contained in the above resolutions.

V. Proposed by Mr.A.M.Mathias and seconded by Mr. M.Shankernarayana Rao, B.A.,B.L., that this meeting authorises the Secretary of the Land Holder's Association to communicate the proceedings of this meeting tc Government, the local authorities, and the M.L.C.s of the district, and the Press.

Members of the deputation.

(1)Mr.A.B.Shetty M.L.C., (2) Mr.M.S.Shresta M.L.C., (3) Khan Bahadur Mahamad Shamnad, M.L.C., (4) Mr.U.C.Bhat, M.L.C., (5) Mr.K.R.Karant, (6) Mr.M Shankernarayana Rao, (7) Mr.J.A.Saldanha, (8) Dewan Bahadur N.Subba Rao, (9) Mr. V.K.Nambesan, (10) Mr. K.S.Adiga, and (11) Dr.K.Vittal Shetty.

(Sd) J.A.Saldanha.
Chairman.

True copy.

K.R.Karant
Secretary,

South Kanara Land Holders Association.

Development Dept.

C.I.B.
Please issue letter and also note with encl. on p.1 n.f.
10.3.33.

3 & 12
U-3

11/3.

C. No. 630 I.

Letter. No. 630 I/33-2, 603/33

To

M.R.Ry. K.R. Karanth Avl, B.A., LL.B.
Hon. Secy.
S. Kanara Land Holders' Assn.
Mangalore.

Sir,

I am directed to acknowledge the receipt of your letter No. 39 of 2.3.33 forwarding a copy of the proceedings of a public meeting held at Mangalore on 22.2.1933.

I have etc.

p.1 n.f.

11/3

5.3.33.

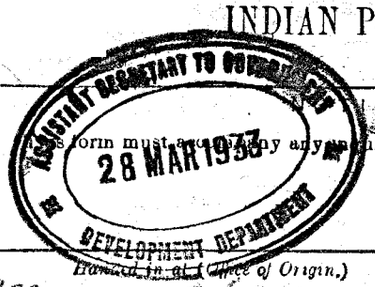
10.3.33

13.

804 D / 28 3 33

C

INDIAN POSTS AND TELEGRAPHS DEPARTMENT



C E.

This form must accompany any enquiry made respecting this Telegram.

Charges to pay. Rs. 00280

Office Stamp.

Handed in at (Office of Origin.)	Date.	Hour.	Minute.	Service Instructions.	Words.
Mangalore Kna	28	7	50		44

TO Secretary govt Development madras

Recd. here at H. 11 · M. 38

Reply to be sent by post

Letter filed below.

referring proceedings public meeting auspices Kanara landholders association 22 feby reply mr Shetty's question Council pray suspension orders Cancelling forest Concessions till end June meanwhile after enquiries ~~already~~ Submitting memorandum representation follows

K R Karanth secretary Kanara Landholders association

N. B.—The name of the Sender, if telegraphed, is written after the text.

Karim Bux Bros., Printers, Calcutta—344 (B-54)—28-6-32—29,104 Blks.

ASSISTANT SECRETARY TO GOVERNMENT
3 - APR 1933
DEVELOPMENT DEPARTMENT

3-4-33

MANGALORE

31st March 1933

From

M.R.Ry K. R. Karanth Avgl.

Secretary

South Kanara Landholders' Association

Kodiyalbail, Mangalore

To

The Secretary to Government

Development Department

Fort Saint George

MADRAS

Sir,

Subject: Cancellation of Forest Concessions in South Kanara

I beg to submit a copy of a telegram sent by me to you and to request on behalf of the Landholders' Association, South Kanara, that Government will be pleased to suspend the orders cancelling the Forest Concessions until the end of June next. Meanwhile enquiries will be made by a special committee of the Landholders' Association into the charges against villagers of the abuse of the privileges and a Memorandum submitted to Government. I am to point out that such drastic cancellation will result in terrible hardship to cultivators, and add to their unprecedented distress at present and I am to express the hope that Government will be pleased to await the results of further enquiry before carrying out their order- to stay

At this I may only point out that the so-called concessions have a peculiar significance in South Kanara and have grown out of and are based upon immemorial rights.

For instance, green leaves have always been taken from reserve forests in this district free of payment unlike other districts in the Presidency. I am therefore desired to request that the order cancelling the privileges may be suspended for the present.

I have the honour to be,

Sir,

Your most obedient servant,

K. N. Karanth

Telegram.

To

Secretary, Government Development, Madras.

From

K. Karant,

Secretary-Landholders Association,

Mangalore.

Referring proceedings public meeting under auspices Kanara Landholders association 22 Feb and reply Mr. Shetty's question Council Pray suspension of orders cancelling Forest concessions till end June Meanwhile after enquiring submitting memorandum Representing affairs follows:

K.R.Karant,

Secretary,

28-3-1933.

ASSISTANT SECRETARY TO GOVERNMENT
12 APR 1933
DEVELOPMENT DEPARTMENT

Forest Grievances

of

Cultivators in South Kanara.

Note below petition of the villagers of Todar and Hosabettu villages dated 2-4-1933

by

Mr. J. A. Saldanha, Ex. M.L.C.

The petition is submitted with a typewritten copy of it and some of the previous correspondence & notes. A reference is invited to proceedings in the Legislative Council specially those reported in XLI 211-245, XLIII 382 et seq. and LIII 170, 231. The main points for being urged are:-

(1) The rights of cultivators in villages to green leaves manure from adjoining reserve forests has been recognized from time immemorial and that without any fees, unlike in other districts, probably because of the ancient rights of village cultivators in forests and the concession to cut brushwood beyond the Kumaki lands follows as a matter of course, restricted as it is within a certain distance.

(2) No apparent ground is given for the cancellation of the privileges. If there have been abuses on the part of the people, no warning was given to them, nor notice to show cause against their cancellation.

(3) The Todar and Hosabettu forests were formerly and have always been maintained for fuel purposes. But in the order of cancellation they are for the first time described as sandalwood reserves. Sandalwood plantation has been banished from this district as unsuitable and unremunerative. No change of the policy of the Depart-

ment has been notified. If there is a change in its policy, it may be expected to be carried out without prejudice to the rights and necessities of the cultivators in maintaining their fields & gardens - an inheritance of ages of immense labour and expenditure of money.

(4) The drastic manner in which the orders are carried out with only 2 or 3 months' notice savours of barbarous cruelty, not to speak of the injustice involved, especially in these days of terrible distress, which is more acutely felt in the interior villages than on the coast. It is hoped therefore that the pitiful and pathetic cry of the poor villagers will meet with fair and merciful treatment on the part of Government

Mangalore,
10- April 1933.

J. Saldanha & Co. Ltd

Petition from the ryots and cultivators of Hospet and Todar villages.

Subject:- Cancellation of Forest rights and concessions.

To

The Secretary to Government of Madras,
Fort St. George.
Development Department (Forests).

Sir,

We the ryots and cultivators of the villages of Hospet and Todar villages respectively beg to pray that the cancellation of the rights and concessions in the Reserve Forest of Hosabettu and Todar villages may be suspended until an official or non-official inquiry is held with a previous notice of the charges against them. Because no such previous notice had been given to them & the order of (Government) of January 1933 cancelling the rights and concessions came to them as a surprise. We respectfully submit that such drastic measures are calculated to add considerably to our terrible sufferings in these days of woeful distress. We beg to urge that whatever be the charges on which the cancellation are based, as a body the villagers concerned are innocent. It is alleged that a large number of ~~excepted~~ classified trees have been found cut. But most of them are dried trees, or dried branches of trees. Many other cuttings can be explained if an opportunity be given to us. It appears that the Forest Department is under the impression that we have got large areas of Kumki lands. We beg to submit that

uses of cultivators. Hence we obtained from Government the recognition of our immemorial rights in reserve forests to green manure leaves for manure and poles for planting beetle leaves-creepers. They are of absolute necessity just in the summer before the rains to be got from the reserve forests, without which we shall be reduced to a most pitiable condition. Hence our humble prayer for the suspension of the orders of Government pending an inquiry into the charges against us. We append a note explaining the origin and growth of the above mentioned rights and privileges which will prove how absolutely necessary they are for the maintenance of cultivation in our villages. If Government persist in their policy of cutting off our rights and concessions in reserve forests, we shall be driven from our villages each and every one, allowing the conversion of our once most flourishing villages into a grand dense jungle fit only for the rapid increase of wild animals. May Government be pleased in the name of humanity to have pity upon us-poor cultivators.

We beg to remain, your most obedient servants.

We submit this Memorial through the Secretary of the Land-holders' Association of South Kanara for being forwarded to the Government with a note of the history of forest rights and concessions by J. A. Saldanha, Ex. M.L.C.

Hosabettu Church, 2-4-1933.

(Signed.) Adiraja Kadamba, Land-holder, Hosabettu.

" J. A. Rodrigues, " "

" Marcel Costa, " "

" Juje Mingel Costa, " "

" Juje Marian Mendosa " Puchamogar.

" Saver Tellis, " Hosabettu.

" Inas Mendosa " Puchamogar.

" Ambros Nazareth " Hosabettu.

" J. M. Menezes, " "

and several others.

Copy Forwarded for the kind Consideration of Government with the original in continuation of my telegram of 1st inst.

K. A. Kasaut
Hon. Secretary
K. L. H. Association
Mangalore

and Todar Villages &c.

Same as petition of forest rights

Subject. cancellation of forest rights and concessions.

To

The Secretary to Government of Madras Fort. St. George Development Depart (Forests)

Sir.

We the ryots and Cultivators of the Villages of Hosket and Todar Villages. respectfully beg to pray that the cancellation of the Rights and Concessions in the reserve forest of Hosakth and Todar Villages may be suspended until an official or non-official enquiry is held with a previous notice of the charges against them. Because no such previous notice had been given to them, and the Sc order of Government of January 1933. Cancelling the rights and concessions came to them as a surprise. We respectfully submit that such drastic measures are calculated to add considerably

Woeful distress. We beg to urge that whatever be the charges on which the cancellations are based, as a body the villagers are concerned are innocent. It is alleged that a large number of classified trees have been found out. But most of them are dried trees, or dried branches of trees. Other cuttings can be explained if an opportunity be be given to us. It appears that the forest Department is under the impression that we have got large areas of Kumki Lands. We beg to submit that they are far from adequate for the purposes of manure and other uses of cultivators. Hence we obtained from Govt. the recognition of our immorial rights in reserve forests to green manure leaves for manure and poles for planting betel leaves - creepers. They are of absolute necessary just in the Summer before the crops to be got from the reserve forests, without which our - I fear shall be reduced to a most pitiable

the suspension the orders of Govt. pending
our enquiry into the charges
against us we send a note
explaining the origin and growth of the
above mentioned rights and previlleges.
which will prove how absolutely necessary
they are for the maintances of cultivation
in our villages If Govt. persest in
their policy of cutting off our rights
and concessions in reserve forests. We
shall be driven from our villages
each and every one, allowing the
conversion of our once most
flourishing villages into a
grand dense jungle fit only for
the rapid increase of wild animals.
May God be pleased in the name
humanity to have pity upon us poor
cultivators we beg to remain, your
most obedient servants.

of the land lord holders Association of South -
Kanara for being forwarded to the Government

Hosabettu Chavadi } with a note of the history of
2 - 4 1933 } forest rights and concessions by
J. A. Saldanha Ex. M. L. C

[illegible]	Land holder	Hosabettu
[illegible]	Land "	Hosabettu
[illegible]	"	"
[illegible]	"	"
[illegible]	"	Puchmogaru
[illegible]	"	Hosabettu
[illegible]	"	Puchmogaru
[illegible]	"	Hosabettu
Jumeenaz	"	"
+ Anthony Rodrigues	"	"

[illegible]

III [illegible]	"	Hosabettu.
+ [illegible]	"	"
+ [illegible]	"	Puchmogaru
+ [illegible]	"	Hosabettu
+ [illegible] Jumeenaz		
+ [illegible]	"	"
III [illegible]	"	"
H. Buchanan		"
III [illegible]	"	"
III [illegible]	"	
III [illegible]		

+ ఈ కుమార్ కుమారి వరకుమంచుగా కురిసు
+ ఈ కుమార్ నాలు మొదిక కురుసు
+ ఈ కుమార్ శ్వాస్థ్యం లుద్రిక్షే కురిసు
+ ఈ కుమార్ బాధ్యతనే లుద్రిక్షే కురిసు
+ ఈ కుమార్ జాగ్రు మొదిక కురిసు
+ ఈ కుమార్ జువాత్మ్య లింగు లిల్లు
+ ఈ కుమార్ పుట్టుగే కుటుంబా కురిసు
చూడగే తేరుత్రిక్షే కురిసు

Antonyది సంయుక్త చేతు
కొట్టి చేంతో చేసుంది కురిసు
చెప్పి నాలో గేలా రిసిసే
అంతేసే సాంకుమయిక కురిసు
+ ఈ కుమార్ ముడి చుట్టి లియాగో లుద్రిక్షే కురిసు
x ఈ కుమార్ ముడి చూడి లియాగో లోగు కురిసు
x ఈ కుమార్ మనోగే లుద్రిక్షే కురిసు
అంటోనాంగ్ నా నాలుగో కురిసు
ఎకేంద్రయాబుర్ణ
Alex Fernandes

+ కుకొంత లాభ్యా మొంచు కురిసు
చేసు వేక్ పట్టి గ్నా కురిసు
బాధ్యత కుమార్ కురిసు
వెళ్ళు మొంచు కురిసు
ముడి చుట్టి లియాగో చుట్టి కురిసు
+ ఆ మనిషి కొత్త పిసాకథి లాలసిక్ కురిసు
+ ఆ కుమార్ తోలు లింగు మీరాంగ్ కురిసు
నామగా మీరాంగ్ కురిసు
బెళ్ళి అయ్యే వరకే

From

A. L. Pinto, B. A.,
Hony: Secretary,
KODIALBAIL POST,
SOUTH INDIA.

D 10701/32
5-5-33.

Office of the Catholic Association
of South Kanara, Mangalore.

Dated 1st May, 1933.

To

The Secretary to Government,

Development Department.

S i r,

I am directed to submit for your information and favour of necessary action the following resolution passed by the genera body of the South Kanara Catholic Association:-

"That this meeting views with great concern the withdrawal of the privileges and concessions granted to the villagers in reserve forests especially Todar and Hosabettu and urge that the orders may be suspended pending an enquiry after due notice to the people concerned and that the meeting feels aggrieved at the decision of Government to commence resettlement operations in the South Kanara District."

A memorandum is being prepared showing the grounds on which the existing concessions should not be withdrawn, I am desired to request that meanwhile no final orders may be passed on the subject.

I have the honour to be,

Sir,

Your most obedient servant,

2533
Hony. Secretary.

TOA:
Submitted for perusal. Please see Secy's
TM orders at P 9 NE below.
8.5.33

RK
9/5/33

Send copy to Rev — vide A above
Typist to make
Extract from

Sent
Prepared
11.5.33

A.L.Pinto, B.A.,
Hony: Secretary,
Kodialbail Post,
South India.

14 MAY 1933
REVENUE DEPARTMENT

Dated 1st May, 1933.

D 1115-I
15-5-33

To

The Secretary to Government,

Revenue Department.

Sir,

I am directed to submit for your information and favour of necessary action the following resolution passed by the general body of the South Kanara Catholic Association:-

"That this meeting views with great concern the withdrawal of the privileges and concessions granted to the villagers in reserve forests especially Todar and Hosabettu and urge that the orders may be suspended pending an enquiry after due notice to the people concerned and that the meeting feels agrrieved at the decision of Government to commence resettlement operations in the South Kanara District.

A memorandum is being prepared showing the grounds on which the existing concessions should not be withdrawn; I am desired to request that meanwhile no final orders may be passed on the subject.

I have etc.

A.L. Pinto,
2-5-33.
Hony. Secretary.

Revenue Department.

To
U.S.

May be lodged after sending a copy of this letter to Development.

T.N.S.
10-5-33.

Rev.u.o.1766 E/33-1
12th May 1933.

To the Development Department.

To A.S.
A copy of the letter has already been received. This may be filed
DM 16.5.33 Official report from cc. may be awaited.
v.s.v.12-5.
17.5.33
RR
18.5.33

FORWARDED.
(By Order).
Superintendent.
12/5/33

Received 18 MAY 1933 19 — Registered 19

DEVELOPMENT DEPARTMENT

S 330

Subject.

Forest/concessions - South Kanara - withdrawal

ENCLOSURES.
No. 2
D.F.O's report
Petition.
Spare copies

Ref. No. ~~1918~~/C1-33 1913

Station Madras, *Dated the* 17th May 1933.

From (Name) A. Wimbush Esq., I.F.S.

(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,

Development Department.

Sir,

With reference to the correspondence ending with your demi-official No. 679-I/33-2, dated 24-3-1933 I submit a copy of Mr. Laurie's report with the Collector's endorsement thereon.

2. It will be noticed that Mr. Laurie has made a personal investigation. I have complete faith in Mr. Laurie's judgment in this matter I request very early orders to withdraw the concessions in respect of the Todar Reserved Forest

17-5-33

for Chief Conservator

ks.17.5.33.

17-5-33

Office of the Dt.Forest Officer,
North Mangalore.
Mangalore, dated 9th April 1933.

From

C-no 1913
1933

M. V. Laurie Esquire, M.A.,I.F.S.,
District Forest Officer,
North Mangalore.

To

The Chief Conservator of Forests,

Chepauk, M a d r a s.

Through

Ref.M.874/33 dated 25.4.33. The Collector of South Kanara.

Forwarded.
Sd.Abdul Hamid Khan
25.4.33
for Consr.of Forests
Ootacamund Circle.

and

The Conservator of Forests,
Ootacamund Circle, Ootacamund.

Sir,

Subject :- Forest Concessions - South Kanara - Withdrawal from 1st April 1933.

Reference :- Chief Conservator of Forest's Telegram, dated 8th April 1933 and Conservator's No. 874/33, dated 7th April 1933.

*****

On 29-3-1933, I received a D.O from the Chief Conservator communicating a D.O from Government No. 679-1/33-2, dated 24-3-1933 which stated that " You may withdraw the concessions from 1st Aoril 1933 if in the meantime no representations are received ". I interpreted this to mean that if any villagers were to send in petitions in respect of any reserve, the withdrawal of the concessions in that reserve were to be held in abeyance until the petition had been enquired into and orders passed on it - vide my D.O to Chief Conservator, dated 29-3-33.

2 Not a single pepresentation had been received upto March 30th 1933 although adequate steps had been taken both through the Revenue authorities and through the Forest subordinatoes to make sure that every villager concerned was informed atleast twice or the withdrawal of the concessions as long ago

as last January. Copies of the notices were also sent to the Secretary of the South Kanara Wargdars Association.

3. On 30-3-1933, a petition was received from the President and Four members of the Todar Forest Panchayat representing that as a Forest Panchayat they had been protecting the reserve, fire tracing it, reporting cases, etc. and that the abolition of the concessions would cause difficulty to the ryots for getting manure leaves and dry leaves for their cultivation. A copy of the translation of the petition is enclosed. On receipt of the petition, I ordered the Range Officer to hold the order abolishing the concessions in this reserve in abeyance until the petition had been enquired into and final orders obtained.

4. I arranged for the villagers to meet me at Todar on the morning of the 7th and I went there to investigate the petition and to hear the villagers' representations. I was met by the Panchayat President, The Potel and the school master who accompanied me during my enquiry, and showed me all the available unreserves, kumaki lands and darkhasts on which tree growth was available for the requirements of the cultivators.

5. The petition of the Panchayat members was found to be quite unsustainable. Todar is infinitely better off as regards available tree growth than the majority of the coastal villages. The Panchayat President was only able to point out one group of houses where some inconveniences might be felt. The lands of these houses were surrounded by good forest growth but this had been given on darkhast partly to other Todar land owners and partly to the depressed classes for growing cashew nuts etc and hence was not available for supplying manure leaves to these particular houses. This means that instead of being able to get their requirements from the reserve itself which is about half a mile away, they will have to go to the unreserves on the south side of the reserve, a distance of 1½ to 2 miles

where there is plenty forest growth which is more than sufficient for needs of the immediately adjacent lands. Considering that in many of the villages nearer the coast, the ryots have to go 10 or 12 miles to get their manure leaves this cannot be considered a hardship It may be a slight inconvenience, but that is all.

6. Regarding the other points raised in the petition concerning the work of the Forest Panchayat, the representations made by the Panchayatdars are not strictly true. They say that they protected the reserve, enquired into illicit fellings, recommended compounding fees and reported cases. Actually, during the whole of the 10 years this Panchayat has been in existence not a single case has been detected by the Panchayat nor have any cases been reported by them. The protection by the Panchayat has been absolutely nominal, and many abuses of the concessions have been found. All the cases reported have been detected by the Forest subordinates and enquired into by the Forest Department. They have done no sowing work nor line clearing work on their own, as stated bv them. and the fire tracing is done in order to get the remuneration of the refund of half their grazing revenue. This, however, is outside the scope of this report which is concerned with the effect of the withdrawal of the concessions. As previously stated I am quite satisfied that the withdrawal of the concessions in this reserve will cause no hardship whatever.

7. I submit, therefore, that there is no necessity to make a special case of this reserve, nor to consider this petition as ~~nay~~ any reason for altering the orders passed by the Chief Conservator in his Proceedings Mis No. 560, dated 17th December 1932 ordering the withdrawal of the concessions in certain reserves of which this is one.

8. Incidentally, during the course of the enquiry, I was infomed that at the beginning of the month of March Mr. Saldanha(Ex. M.L.C) came to Hosabettu, the adjoining village,

and held a meeting of the villagers and encouraged them to protest against the withdrawal of the concessions which they had enjoyed for so long. It is probale that the Todar petition may have been sent partly as a result of this visit of the ex-M.L.C the purpose of which was known to the Todar Panchayatdars. It is significant that the only representation received in the whole of South Kanara is from Todar, which is much more favourably situated as regards the supply of manure leaves than many other villages affected by the withdrawal of the concessions in other reserves.

9. I request early orders whether I may cancel the instructions to the Range Officer to hold in abeyance the order withdrawing the concessions in this reserve

Your obedient servant,

Sd/ M.V. Laurie.

District Forest Officer,
North Mangalore.

M.M.R/9-4-33.

/ True copy /
/ By order /

Head Clerk.

Advance copy submitted direct to the Chief Conservator of Forests in reply to his telegram, dated 8th April 1933, with one enclosure.

N.Dis.No. 1858/33.

Forwarded. I think objections must be more numerous before a decision, which has been arrived at after much investigation, is varied.

E. Gawne
14.4.33
Collector.

Copy of translation of petition, dated 22-3-1933 from the Panchayat President and Members of Todar Reserve, to the District Forest Officer, Mangalore North, through the Range Officer, Mangalore ~~Rxxxgx~~ Range.

*****

We have come to know District Forest Officer's order 2760/32. As per District Forest Officer's 2760/32 concessions granted in Todar Reserved Forest to the ryots of Todar village have been cancelled from 1st April 1933. This is a great trouble to the ryots adjoining the reserved forest as their cultivation ~~fully~~ wholly depends upon the dry leaves, dead fuel and green manure leaves from the reserved forest#. Besides, there are not many kumki or anv other lands for these ryots in the village. As such it will be difficult for the villagers to cultivate their fields and to pay assessment to Government.

2 Since 1922, the reserve is under Panchayat system. According to that we Panchayatdars are protecting the reserve. We are carrying on its fire protection work, boundary clearing work, sowing works and other works relating to the reserve. Some ignorant villagers might have committed some illicit fellings inside the reserve. Such illicit fellings have been enquired into and culprits duly punished by recommending compounding fees and reporting cases.

The petition may be kindly enquired into and the general difficulties of the ryots may be kindly reconsidered.

Sd/ 1. Santhiraja Kambli.
Panchayat President.
2. J.A. Rodrigues, Membe
3. Adiraja Belipa "
4 Jinnappa Hegade "
5 Dharmaraja Kottari"

*****

(True Copy)
By order
9.4.33
Clerk

District Forest Officer,
North Mangalore.

D 11721/33
23-5-33

Jerome A. Saldanha, B. A., LL. B.
Retired Jt. Dt. Judge & Sessions Judge,
ADVOCATE.

OFFICE: COURT ROAD
MANGALORE.

ASSISTANT SECRETARY TO GOVERNMENT
21 MAY 1933
DEVELOPMENT DEPARTMENT

MANGALORE,
Belmont, Kankanady P. O.,
S. KANARA.

Dated 20 / May 1933.

To
The Secretary to Government
Development Department
(Forests)

Sir,

I have the honour to refer to the communication of my note of 4-5-1933 on the representation of the residents of Jadkal & Hosabettu, S. Kanara against the proposed reservation of certain lands in the Jadkal & Hosabettu villages and to submit a further note dated 21-5-1933, which it is hoped will throw some light on the points at issue and enable Government to reconsider their orders. I may draw attention to the Annual Report of the Forests for 1930-31 (page 113) wherein the Forest villagers system

vide para 3 infra

in the North-Western Provinces

and Oudh the Indian Government

reserves the right to grant such

the Court deems fit concessions

such exclusive rights of concessions

since 1932 as to rescind the said Notification

Etc. Etc. Etc.

Yours faithfully

Jerome A Saldanha

P. S It is regrettable that neither

Mr K. R Karanjia nor myself nor

the villagers (Petitioners) have received

acknowledgments of their notes or

representations, which is indeed hard

duly received by the Government and are

being considered, and will be duly

acknowledged in due course.

Forest Grievances on S. Kanara & other Forest and Todar and Hosabettu Reserves.

~~Note dated~~ Note dt 18. 5. 1933 endsd

See previous notes dated 19- 4- 1933.

---

(1) These reserves (IV class forests) isolated interlined with cultivated areas were created in 1888-1890 extending over 468 & 401 acres for fuel purposes also general other reserves in S. Kanara (See Legislative Council Proc (I.C.P. II 1921 page 522; XXIV 1927 p. 707, p. 774).

(2) The privileges conceded were -

(a) Removal of green manure leaves of unclassified trees as well as dry leaves,

(b) Collection and removal of dead trees 6 inches in diameter,

(c) Clearing undergrowth to a distance of ½ mile from the limits of private holding.

(d) The removal of poles 5 feet in height for betel leaf plantation.

(e) Cutting of trees within a furlong from a house for sanitary purposes.

It appears concessions (a), (b), (c) & (d) are withdrawn and the panchayats dissolved with effect from 1st April 1933

(3) The responsibility of the proper carrying out of the concessions is thrown on panchayats, with the aid of or rather subject to the control of one single forest guard, low-paid with all the possible temptation for corruption in defeating the objects for which the panchayats were created.

Forest village panchayat system has admittedly never been popular and has been objected to by the villagers of Todar & Hosabettu in their petitions to Government in 1926 & 1928, and my notes submitted in 1928 & 1929. They demanded and demand

These concessions are privileges also as they are as firmly established as a result of persistent infringement and unduly extended by Legislative Council from 1921 to 1930

on the honourable Premier's tour in Canara in 1927 & the villagers

still the reversion of the reserves and this being handed over to the Revenue Department for being managed by panchayats under the supervision of the Panchayat Officers.

(4) Great deal of confusion has been caused by linking the panchayat system with ancient privileges of villagers to remove green manure leaf as well as dry leaf and such ordinary auxiliary concessions, which had been existing from time immemorial before the forests were reserved, as may be judged from the reports of Collectors and the proceedings of the Revenue Board - some of which are quoted in Bombay and Madras High Court cases. (see specially Secretary of State v. M. Krishnaya - I.L.R. 28 Mad. 257 at pp. 260, 264, 279, 280, 285 et seq. ~~See separate synopsis of the High Court Judgment appended~~). This linking was objected by the villagers in their petition and my notes to Government ~~referred to above~~ and the mistake was admitted by Mr. Tiremnn, Chief Conservator of Forests in his speech on 19-3-24 (L.C.P. XVII (1730), when he said - "As regards the leaf manure, I gave orders some time ago that they should be given when leaves become free".

The orders were misunderstood in some way and I am now enquiring why this was not done. As a matter of fact, I think the matter was mixed up with the question of forming village panchayats. In any case I am now giving orders that these leaves - green and dry - are to be given to the people free, as long as the people refrain from selling for wrong purposes.

(5) These ancient rights were survivals of the attempt of Government "to gradually extinguish proprietary rights" of ryots in forests adjoining their wargs pathetically pointed out in the District Judge's Judgment quoted on p.260 Ibid) & deserve to be maintained whatever fate the panchayats deserve to meet.

(6) They were practically enforced by the villages though by frequent and numerous breaches of restrictions and formally revived as necessary concessions but linking them with the forest village system only in some villages including Todar and Hosahettu. That system has been reported to have worked satisfactorily in the North Kanara Division (see Forest Administration Report for 1930-31, Vol I para 113). The Forest Department has been making serious efforts to extend the system but without success, because people are sure of their forest concessions without the burden of forest panchayats

(Ibid). It is incredible that there have occurred serious & extensive abuses since 1931 to demand the suppression of the village system and with that the withdrawal of all forest concessions that had been existing irrespective of that system.

(7) The woes of our cultivators as a result of the reserved forests may be described in the pathetic words of a respectable long-standing resident at Honel who has studied their conditions carefully:-

"The two Reserves, Todar and Hosabettu, are the cause of great hardships to the cultivators on account of the loss of cattle, malaria, want of green leaves for the fields &c. It is heart-rending to hear how they loose their cattle sometimes at the time of cultivation. The Bengal tigers kill also buffaloes - either they have to get another or leave the cultivation. They are compelled to mortgage every possession of theirs to get another pair. In this locality, bananas and other vegetables, sweet potatoes &c. cannot be cultivated on account of the wild boars &c. Only selfish motives can make the Forest Subordinates heartless to the misery of the poor people on account of the Reserves and the Government merciless for the sake of revenue by sucking the blood of the poor people."

This confirms only the eloquent appeal in Mr. A.B.Shetty's speech in the Council on 14-3-1933 ~~which stands on strong contrast to the speech of Mr. M.S. Sreenivasa Iyengar as it is, giving away the whole case~~ Legislative answer Speeches made in the same Council by former M.L.Cs from S. Kanara,

The misery of the people will only increase tenfold by turning the reserves into preserves of sandalwood versus ancient preserves of agriculture and horticulture.

(8) The immemorial privilege to green leaf manure &c. adjoining forests as far as Shetti-kattu (~~ridge~~ ridge) has alway been

Ashtekatta?

distinguished from the privilege of use of the Kumaki land (100 yards) an exclusive privilege and has been enjoyed and is entitled to be enjoyed irrespective and in addition to that of the Kumaki land - as in common by the Kaunka village people and as a necessary concession (see the High Court Judgment cited above). To deprive the villagers of the former because of the existence of the latter would be very unfair & disastrous to them.

Mangalore
10/5/33

Jerome & Saldanha
Ex Mrs.

C. No 630 I.

Subject - S. Kanara Land Holders Assn Meeting — Resolutions

To A.S.

Please see the letter on p. 1 c. j. and the Copy of the proceedings of the meeting forwarded. Resolutions 1 and 2 relate to the Revenue Dept. A Copy of those resolutions with a Copy of Mr. Karanth's letter may be forwarded n~ to the Rev Dept for such action as is Considered Suitable

pp 2-6 c.j

pp 2-5 c.j

p. 1 c.j

yr - with copies of Resns. II & V. also

No. No. 630 I 10333 33-1 10-3-33

2 Resolution III Concerns this Dept The orders of the C.C.F. referred to in it are based on the instructions issued by them in Memo No. 8470 I/32-4 of 26.X.32 and Memo. No. 2765 I/32-10 of 5.12.32. No reasons have been given why the Concessions should not be withdrawn. It does not therefore seem necessary to take any action on the resolution. Attention is in this Connection invited to rule V of the C Memorial rules which says that resolutions submitted

(T)

p. 51 of Gr. O. 1426 D 2.11.32

p. 67 of (T)

p. 56 of the Scott Rules

by associations and other similar bodies will receive no attention Perhaps the receipt of the letter may be acknowledged. A draft letter is submitted for approval.

9.3.33

Issue letter and send extracts to Rev. × Sent

Obtain a copy of the C.C's letter No 560 dt 17.12.32

In Journal.

10.3.33

[Issued as letter No. 630-1/33-2 dt 10.3.33]

To A.5.

A Copy of the C.C's proceedings No. 560 dt 17.12.32 is placed at flag (O). The C.C. is being asked separately to forward the representations received by him with his remarks. Necessary action will be taken when the C.C's report is received. It is therefore for consideration whether any action should now be taken on this representation

15.3.33

No action is perhaps needed

16.3.33

17/3

Subject: Settlement - Re-settlement - South Kanara - Representation of Land Holders Association, South Kanara.

ASSISTANT SECRETARY TO GOVERNMENT
15 MAR 1933
DEVELOPMENT DEPARTMENT

From the Hon: Secretary of the Association, No.35, dated 1st March 1933.

T.N.S.R.
6-3-33.

Yes. J.A.T.

Resolution III concerns Devt. and an extract may be sent to that department.

T.N.S.R.
6-3-33.

J.A.T.
6/3.

Development u.o.

FORWARDED.
(By Order).

Superintendent. 14/3/33

Extract --

Proceedings of a public meeting of land holders held under the auspices of the Land Holders' Association, South Kanara, at 5-30 P.M. of Wednesday, the 22nd February 1933.

III. Proposed by Mr. B. Manjaya Hegde, B.A., B.L., and seconded by Mr. M.N. Chowta, B.A., B.L., and unanimously passed.

"That this meeting strongly protests against the proposed policy of the gradual withdrawal of the concessions to the cultivators in the reserve forests of Government in the District, enunciated in the proceedings of the Chief Conservator of forests, Mis. No.560 dated 17-12-1932, and communicated to the Secretary of the Land Holders Association by the

39 4 2.4

Dist.ict Forest Officer of North Mangalore, and the actual withdrawal of the concessions in some of the reserve from 1-4-1933

* * *

Sd. J.A. Saldanha,
Chairman.

Rev. Dept.

To A.S.

These papers may now be lodged.

RL
17.3.33

17.3.33 17.3.33

C. No. 8041

Subject - Forest Concessions, Sonkh Kumara - Withdrawal - Extension of time.

To A.S.

p.1 c.f

Please see the telegram from Mr. Karant in the Circuit file. The Govt. have already informed the C&F that the Concessions might be withdrawn with effect fr... 1.4.33 if in the meanwhile no representations are received. If representations are made to the district authorities by the people affected, the Concessions will not be withdrawn until such representations are considered. It is therefore for orders whether any action should now be taken on Mr. Karant's telegram Mr. Karant appears to be getting ready a memorandum and it is possible that it may not be submitted before 15th April.

p.788 Be. 0.1428 (T) 2.11.32

p.1 c.f

28.3.33.

28/3/33

28.3.33 S.

If anyone has a genuine grievance
why should he wait till the
last moment before expressing it?
These are merely delaying tactics.

SW
28/3

we should, however, wait till the last day
C 2 nd 29.3.33.

To A.S.

The C.C. has been asked to withdraw the Concessions from 1.4.33 if no representations are received by that time. It is therefore for orders whether these papers may now be lodged. p.7 & of (T)

A.S.
31.3.33.

J&R
2/4/33

The last day is 1st March.
I think we need the two instructions
here (p.7 & T) are clear. I take it
that no action is called for on this
telegraphic representation for an extension
of time till end of June.

W.R.
7.4.33

No
SW
7/4

Dev S:

A. B. Shetty, L.C.
(EDITOR "KANARA")

Madras
Mangalore,
26. 3. 1933.

ASSISTANT SECRETARY TO GOVERNMENT
28 MAR 1933
DEVELOPMENT DEPARTMENT

27. 3. 33.

Dev. 807-I
28-3-33

To
The Hon. The Law Member,
Fort St. George.

Dear Sir,

I am sending herewith a copy of the proceedings of the public meeting about which I spoke to you personally yesterday. Resolution No. III relating to the proposed withdrawal of concessions in reserves may be kindly perused. It is hardly necessary for me to add that the withdrawal of the concessions will be felt as a great hardship by the ryots who depend entirely on the forests for the supply of their needs in the matter of leaves for manure and of wood for fuel.

Yours sincerely,
A. B. Shetty

P.S. A copy of these resolutions has been communicated to the Collector of South Kanara last month by the secretary of the Association

placed he Hon'ble (L)

Dev. Dept.

To A.S.

Please see the D.O. above

(H)

pp 2-6 of Lodged No. 6301/33 17.3.33

A Copy of the proceedgs was received here and it was Considered that no action was necessary on it. The question whether the Concessions

p. 9 of (H)

VP

showed the withdrawal from 1.4.33
is under consideration and the file -
now with H.T.C 2. No action on this
is therefore necessary. This may be
lodged

29.3.33 29.3.33

To A.S.

It has been ordered in the
Other file that no action need be
taken. This may be lodged

1.4.33. 1.4.33

It has returned
31.3.33

See notes on the other file.
31.3.33

linked below

3.4.33

not as a rule grow any dry crops. At the last settlement it was a clear error and an injustice to have assessed them on the basis of 'ragi' as the standard crop when, not even in 1 per cent of such lands, is such a crop grown. In these circumstances, this meeting urges upon Government that it will be only an act of justice, belated though it be, to reduce the existing rates of assessment on the dry lands in a considerable measure.

(c) The definition of garden adopted at the last settlement is wrong and unjust in including jack, tamarind, mango and palmyrah amongst garden trees. Most tamarind trees do not yield and not all yield every year. Except in and near a few important towns in the district the produce of the other trees mentioned above are not a marketable produce. This meeting understands that Government have been pleased recently to delete mango and palmyrah from the list. This meeting urges also a deletion of jack and tamarind. On the basis of this wrong definition a large percentage of land which would otherwise have been classed as dry has been classed as garden and assessed heavily. Whilst this meeting does not desire a wholesale reclassification of all such lands, they urge upon Government the justice and the need for reclassifying them on the basis of the altered definition, as requested in this part of the resolution, on the application for the purpose, by individual ryots.'

That for the reasons mentioned in the resolutions quoted above and also for the reasons given in resolution No. I passed this day this meeting urges upon Government the desirability and imperative need, in any event of postponing resettlement of the district till there is a substantial increase in the prices of rice and other produce.

III. Proposed by Mr. B. Manjaya Hegde, B.A., B.L., and seconded by Mr. M. N. Chowta, B.A., B.L., and unanimously passed

"That this meeting strongly protests against the proposed policy of the gradual withdrawal of the concessions to the cultivators in the reserve forests of Government in the district, enunciated in the proceedings of the Chief Conservator of Forests, Mis No. 560, dated 17th December 1932, and communicated to the Secretary of the Landholders' Association by the District Forest Officer of North Mangalore, and the actual withdrawal of the concessions in some of the reserves from 1st April 1933."

IV. Proposed by Mr. B. Mahabala Shetty, B.A., B.L., and seconded by Mr. A. M. Mathias and passed unanimously

"That a deputation consisting of the following gentlemen and others who may be co-opted by them and led by Mr. K. R. Karant do wait upon the District Collector to represent the grievances of the landholders of the district in regard to the matters contained in the above resolutions."

V. Proposed by Mr. A. M. Mathias and seconded by Mr. M. Shankernarayana Rao, B.A., B.L., that this meeting authorizes the Secretary of the Landholders' Association to communicate the proceedings of this meeting to Government, the local authorities, and the Members of the Legislative Council of the district, and the Press.

Members of the deputation.

(1) Mr. A. B. Shetty, M.L.C.
(2) ,, M. S. Sreshta, M.L.C.
(3) Khan Bahadur Mahmud Schamnad, M.L.C.
(4) Mr. U. C. Bhat, M.L.C
(5) ,, K. R. Karant
(6) ,, M. Shankernarayana Rao.
(7) ,, J. A. Saldanha.
(8) Diwan Bahadur N. Subba Rao.
(9) Mr. V. K. Nambesan.
10) ,, K. S. Adiga.
11) Dr. K. Vittal Shetty.

J. A. SALDANHA,
Chairman.

APPENDIX II.

[Vide answer to question No. 687 923 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 15th March 1933, page 4 supra.]

Proceedings of a public meeting of landholders held under the auspices of the Landholders' Association, South Kanara, at 5-30 p.m. on Wednesday, the 22nd February, 1933.

Mr. J. A. Saldanha, B.A., LL.B., retired Assistant Sessions Judge and ex M.L.C., was unanimously voted to the Chair

Mr. K. R. Karant, Secretary to the South Kanara Landholders' Association, and convener of the meeting, explained the objects of the meeting

Reverend father Minezes, manager of the estate of His Lordship the Bishop of Mangalore, moved and Mr. V. K. N. Nambesan, B.A., B.L., Advocate, Mangalore, and landholder, seconded the following resolution which was unanimously passed:—

"That this meeting resolves to appeal to the Government to grant substantial remissions in the current year's land revenue of the district at least to the extent of 25 per cent for the reasons (*a*) that the prices prevailing in the district in the current year are abnormally low, and in most places in the district lower than even commutation rate for rice at the time of the introduction of the last settlement in 1902, whilst the cost of cultivation and the standard of living have both increased considerably since that time and (*b*) that the yield of the crops during the year has been about one-third less than the average crop on account of the unseasonal rains during both the monsoons in the year and consequently the rents due from the tenants to the landlords are largely in arrears."

II. The following resolution moved by Mr. J. P. Siqueira, B.A., B.L., and seconded by Mr. Kodoth Kumaran Nambiyar, B.A., B.L., was unanimously passed.

That this meeting reaffirms the following resolutions passed at a public meeting of the landholders held on 14th September 1931 under the presidency of Mr. A. B. Shetty, M.L.C., and communicated to Government:—

"1. That this meeting respectfully urges upon Government the urgent necessity of dropping all resettlement operations in the south Kanara district, considering that the district is already heavily assessed, and, in any event, of suspending such operations until the present slump in prices is over and the ryots are fully assured that the rise in prices, on which mainly resettlement will be based, will be a permanent factor on which they can rely in the future for the payment of any enhanced resettlement rates

"2. That this meeting urges upon Government that if they are not pleased to drop or suspend the resettlement operations as requested in the first resolution but are determined to continue the same, Government may be pleased favourably to consider the following important principles in connexion with the said operations

(*a*) Government have, time and again, held out in the past as their accepted policy that 'enhancement of assessment will not be made on account of additional value imparted to the land by the improvements effected by the ryots even though they have been carried out by means of loans from Government.' The lands classed as 'dry' in this district are as a rule hilly wastes. In cases where they have been converted into 'wet' or 'garden,' or 'wet' lands into 'gardens,' they have been so done only after an expenditure of considerable labour and money on the part of the ryots. In such circumstances to reclassify them into 'wet' or 'garden' and assess them at higher rates will be highly unjust and a clear breach of faith on the part of the Government. This meeting, therefore, urges that such reclassification and consequent enhancement of assessment should not be done on any accoun

(*b*) The 'dry' lands in this district have been very heavily assessed at the last settlement. As already stated, they are mostly hilly wastes which grow only tree and shrub growths for the purpose of leaf manure for the cultivation of the wet lands and the gardens. They do

Dev. Development Dept.

C. No. 849 I.

Subject - Forest Concessions - Santa Kanara.

To A.S.?

Pp 1-2 c.f. Please see the letter from Mr. Karanth in the C.f. Mr. Karanth's telegram was received in this Dept. on 28.3.33. It was thought that no action on it was necessary and it was lodged. Mr. Karanth

P 1 of (L)

requests that the withdrawal of

P 1 c.f.

Concessions may be postponed until the end of June 1933. In the meanwhile enquiries would be conducted and a memorandum submitted to Govt. by a special committee of the Legislature's association regarding the abuse of Concessions by the villagers. The

P. 79 of G.O. 1646 2.11.32 (T)

C.C's proceedings directing the withdrawal of the Concessions from 1.4.33 is dated 19.12.32. Mr. Karanth need not have waited till the end of March to make representations on behalf of the villagers if there was any real grievance against the withdrawal. Further even if the Concessions

Public Sec. Sec.

are now withdrawn it is open to Govt. to Cancel the orders if it is made to appear to them that such Cancellation is desirable The withdrawal of the Concessions will not also hamper in any way Mr Karaulik's efforts in Collecting materials to submit a memorandum to Govt In the circumstances it is for orders whether any action should now be taken on Mr Karaulik's letter

Of course Sir

HWSt
3.4.33

JAR
5.4.

The concessions would have been withdrawn and the representatives ~~are~~ were informed of the reasons for the withdrawal and ~~told~~ asked to submit a memorandum explaining the view point of the ryots and the circumstances justifying the continuance of the concessions.

HK
7.4.33

I do not think that any postponement should be allowed As pointed out, the order of withdrawal is not irrevocable if good ground is shown. Mr Karaulik's procedure suggests that the case is a weak one, and that delaying tactics are

Rebd. 11/4

30 D 98 21/33
West Dowres 24.4.33
Octacamund
12.4.33

My dear Slater

I enclose a letter from Lewis - D.F.O. North Mangalore - explaining about the only representation received in connection with the withdrawal of concessions in Kanara.

I have an official advance copy of a report which he has sent through Jarvis. I do not seem to see any grounds for

All [illegible]
continuing to hold -
Pegance the withdrawal
of Concessions in Today
reserve d, on receipt from
me of the official report, Hope
that Government will say
that the original orders may be
given effect to in their
entirety.

Yours sincerely
A Winston

Mangalore

7 — 4 — 33

Dear Wimbush,

Even though the following is mostly hearsay, and not verifiable in all its details, I thought it best to let you know about it in view of possible developments.

As reported in my last D.O., dated 3rd inst the only petition protesting against the abolition of the concessions was received from Todar Forest Panchayat. In the course of my enquiry into this petition this morning I was informed that Mr Saldhana (M.L.C) held a meeting of the villagers at Hosabettu on the 2nd or 3rd March, at which he encouraged them to protest against the withdrawal of the concessions they

57/53

had enjoyed so long. He is also reported to have sent a telegram to the Govt. at Madras on the same day.

I have had no petition from Hosabettu, and did not expect one as they have ample forest growth on their reserves and kumki lands Todar village, on the other hand, has not so much, (though still sufficient) forest growth outside the reserve. It is, as you know, adjoining Hosabettu, and naturally all the Todar villagers know all about the M.L.C's visit.

It appears possible, if not

Private

52

probable that the D.O. you received from Government, (No 679-1/33-2 dated 24-3-33) and the Todar Petition (dated 22-3-33) are all part of a political move, though, of course, I cannot prove it.

As the above are merely my suspicions, it might be as well to keep this confidential. I thought it wise, however, to let you know about it so that you can judge which way the wind blows.

Yours sincerely,

M. Fawcett

P.S. The Todar petition is nothing to worry

53 35 4

about. Todas is infinitely better off than the majority of the coastal villages in this division. I have not seen Gavan yet as he has been out in camp. I shall discuss everything with him when he returns tomorrow night and submit my report.

V H Jones
7-4-33.

Saldanha 11/

This may lie over pending receipt of an official report from the C.C.F. Vide A at p. 6 supra.

Qair
25.4.38

RC
26.4.38.

Has the withdrawal of the cadets actually taken place? I am not quite impressed with them verify

Sec
27/4

To H.S.

Please See the CC's letter from the Officer at (R) concerning the cadets have been withdrawn exce[pt] one remaining.

M
5.5.38

Qair
1.5.38

RC
2.5.38

Await official report from CCF

Sec
3/5

To A.S.

Please See Mr Laurie's report at pp 17-26 of the Cadet Corps Inspection file and the remarks of the C.C. at page 16 of. Attention is invited to paras 5 to 7 of the

the D.F.O's report at Pp 18-19 cf. It is pointed out that the withdrawal of the Concessions in the Toda reserve will not cause any hardship and that there is no necessity to make a special case in this particular reserve. The C.C requests that early orders may be issued withdrawing the Concessions in the Toda Reserved Forest.

~~Subject to orders a draft D.O to the CC is Submitted for approval~~

MM
23.5.33

The D.F.O is quite satisfied that the withdrawal of the concessions in the Todar reserve will cause no hardship whatever. He adds that the Todar reserve is much more favourably situated as regard the supply of manure leaves than many other villages affected by the withdrawal of the concessions in other reserve (and who have not submitted any representations to Govt).

A at p. 19 cf.

A at p. 20 cf.

cf para 2 at p.

Reference is solicited to the communication from Mr. J.A. Saldanha at pages 22-27 cf. He has not urged any reasons which would warrant a departure from the conclusions of the D.F.O. Other

× A at p. 19 cf.
⊛ p. 20 cf.

Solicited to Hyd's Statement at A on page 9 c.f. in the linked file.

It seems clear that the landholders if any arising out of the withdrawal of the concessions in the case of Sks be considerably less in this year. The c c may be told that the concession may be withdrawn hereafter.

RR 26.5.33 S. 26/5

H. M. C. 2. 27-5-33.

26/5

TO A.S.

A draft order is submitted for approval

RR 31.5.33 S 6/6

M 31.5.33 KaR 1.6.33

Secrt. H-3 (a)

DEPARTMENT

	Date.	Initials.
When received for Fair-copying		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Forests

South Kanara. Todar Reserve

Concessions - withdrawal orders passed

19/7/6

READ AGAIN G.O. No. ....., dated 19

" " " ..... " 19

READ ALSO:—

C. No. 8497/33 From the Secy. Land Holders Association. Mangalore, No. ....., dated 31.3 1933.

" " 9277/32 " " Villagers of Todar & Hosabetta villages " " 2.4.33 19

" " 11327/32 " " CCF " 1913/C 33 " 17.5 33 19.

ORDER.

No. 682, dated 7-6 1933

Mb

CB/ Dl 15/6 7/6.

The papers read above relate to certain representations received from the Land Holders Association of South Kanara & others, urging the cancellation of the orders withdrawing certain Concessions from the reserve forests of South Kanara.

The CC reported that the Concessions had already been withdrawn from all the reserves except the Todar reserve as no representations had been received in respect of any others.

K

Mb copies

12 Reserves

1324

only one representation was received ~~He Considers that~~ there will be no hardship if the Concessions are withdrawn, & the Todar ~~Reserve~~ village is infested with ~~with~~ less off as regards available tree growth than the majority of the Coastal villages.

The Govt have Carefully Considered the matter and agree with the CC that no real hardship will arise in consequence of the withdrawal of the Concessions in the Todar Reserve. They accordingly direct that the Concessions may ~~also~~ be withdrawn there also

1.6.33.

1.6.33

3.6.33

8/6

& in respect of the Todar Reserve. This has been investigated & it is found that

forest protect

To

the CC Forests

The Secretary
South Kanara Land Holders Association
Kodyal Bail
Mangalore

(Circular form)

8/6

Received
28.4.83

178 (T)

28/4/83

Reply from P.A.

ASSISTANT ... GOVERNMENT
9 - MAY 1933
DEVELOPMENT DEPARTMENT

11321/33
25.33.

[illegible]

5. [illegible]

6. [illegible]

[illegible] H. 5. 1933. [illegible]

[illegible] (True Copy) [illegible]

Copy to The Honourable The Law Member of Government of Madras. Madras.

GOVT. SENIOR TRANSLATOR'S OFFICE
C. No. 771
17 MAY 1933
M

Dev. Se. 1

~~[illegible]~~

Forwarded to the Senior Translator to Govt. for favour of tran.

12533 [illegible]

RR 12533

Reference: U.O.No.D-11021/33-1, Development, dated 15th May 1933.

The enclosed petition, which is in Kanarese, is a report of the Proceedings of a public meeting held at Baindur (South Kanara District) on the 30th April 1933 under the presidentship of M.R.Ry.Yedteré Kristappa Shetty in which the ryots of Baindur and the adjoining villages complain that the Forest Department has all of a sudden withdrawn, from the 1st April, the concessions under which the local cultivators and the members of the public were allowed to remove from the Reserved Forests the dry fuel, dry leaves, green manure, brambles etc., required for agricultural and domestic purposes, without the payment of any fee, that this concession had been introduced only about two or three years ago after the justice of the claim to these materials had been recognised after many long years of agitation, that the withdrawal of the concessions operates as a very great hardship which is apt to drive the ryots to despair and cause them to ~~have~~ leave their lands uncultivated and create great disaffection among the ~~Government~~ ryots and that it behoves the benign Government to remove this hardship by restoring the concessions which have been cruelly withdrawn when the ryots are already suffering great distress

The reports adds that the president is authorised to submit copies thereof to the Hon'ble the Law Member, the representatives of South Kanara in the Legislative Council and to the newspapers of the District.

65

D1300-I
7.6.33. 83

Office of the Senior Translator to Government.

860-1.

SECRETARY TO GOVERNMENT
7 - JUN 1933
DEVELOPMENT DEPARTMENT

The Secretary to Government, Development Department, U.O.
with Note C.No.52-1/33, dated the 2nd Instant. of the Kanarese
Translator to Govt.

6-6-33

D 1290/33
7.6.33

6-JUN 1933
DEVELOPMENT DEPARTMENT

A MEMORANDUM

FROM

The Catholic Association of South Kanara

To

The Hon'ble Diwan Bahadur

Sir M. Krishnan Nair,

LAW MEMBER,

Government of Madras.

SIR,

The Catholic Association of South Kanara, which represents the Catholic Christians of this district and has been working for their welfare for over 17 years, submits this Memorandum in continuation of the letter No. 26 dated 1st May 1933 addressed to you by the Honorary Secretary of the Association to the Secretary to Government, Revenue Department, of which a copy was sent to you, No. 29, of 3rd May 1933.

H K 4-15 (X)
Sob 82
7.6.33

The letter referred to forwards a resolution passed unanimously at a General Meeting of this Association, urging the suspension of the order cancelling the concessions granted to villagers in reserve forests including Hosabettu and Todar which affect a large body of Catholics.

A petition on the same subject was previously submitted, on the 2nd April 1933, to the Secretary to the Government of Madras, Development Department, through the Secretary of the Land-holders' Association of South Kanara, and Mr. J. A. Saldanha, ex-M. L. C., accompanied by a note.

H 1-13 (X)

Our Association fully endorses the statements made in that petition and the accompanying note and begs that the order of withdrawal of concessions may be cancelled, or, at any rate suspended pending further enquiry, for the reasons appearing in this Memorandum.

The Hosabettu and Todar reserves were constituted reserved forests on the 1st September 1888 and 15th December 1890, respectively. In 1921, the question of their disafforestation was raised in the Madras Legislative Council, but Government stated that the Chief Conservator of Forests agreed with the local officers that they could not be dis-

afforested, that they contained the growth required for the fuel supply of Mudbidri, Bantwal and Mangalore, and these areas were included in Class IV of Reserves (vide proceedings of the Legislative Council Vol. II, No. 7, pp. 533 to 535). It is to be noted that there was no mention at this time that there were timber trees of any kind in these forests; and further, Class IV in which they were placed were "Fodder and Fuel Reserves." Government at the same time ordered that the prohibition of the removal of manure leaves should not be enforced in those parts of South Kanara district where such removal was not opposed to the interests of forest conservancy. Subsequently the removal of green and dry leaves, fuel &c. was allowed, not only in the two reserves referred to above, but also in other reserves; and these concessions, essential to the villagers for agricultural and domestic purposes, have been enjoyed by them all along.

We submit that in ordering the cancellation of the concessions in question, the Forest policy of Government has been totally overlooked. This policy is described in the resolution of the Government of India dated 19th October 1894 and is included in the appendix to the Forest Code. We beg to quote below relevant portions of this resolution:—

*The needs of communities dwelling on the margin of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for cattle and edible forest produce for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs. * * It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction * * It should also be remembered that subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation * * Such restrictions as may be necessary for the preservation of the forest or for the better enjoyment of its benefits should be imposed. But no restrictions should be placed upon reasonable local demands merely in order to increase the state revenues. * * The inferior subordinates of the Forest Department are perhaps as reliable as can be expected on the pay which we can afford to give, but their morality is no higher than that of the uneducated class from which they are drawn, while the enormous areas over which ihey are scattered and the small number of controlling staff render effective supervision most difficult. It is not right in order to protect the grass or grazing dues on plots of wastes scattered over the cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owner's field and the next. It is to be distinctly understood that the Government of India do not desire that the grazing should be looked upon primarily as a source of revenue.*

The Royal Commission on Agriculture expressed its entire agreement with the Forest Policy of Government and declared that the forest should be the handmaid of agriculture.

We would in this connection recall the words of Sir Thomas Moir in the Legislative Council (Legislative Council Proceedings, Vol. 35, page 304):—*We do not forget and have never forgotten that its (the Forest Department's) main object is to supply the needs of the people and it must pay attention to the facts that the ryots do require fuel, that they require timber for houses, that they require implements for agriculture and that they require grazing for their cattle.*" We submit that the reservation of Hosabettu and Todar reserves was opposed to the generous and statesmanlike policy laid down by Government for adoption by the Forest Department, endorsed by the Royal Commission on Agriculture and restated in the Legislative Council by the Government's spokesman. These two reserves are very small ones—being 468 and 401 acres in extent; they are isolated and are right in the midst of cultivated lands and homesteads of ryots who have from time immemorial enjoyed the rights in question To use the words of the Government of India's resolution "**the claims of cultivation are stronger than the claims of forest preservation**" with respect to these reserves. There are extensive forests in South Kanara District which are quite adequate for the present as well as future supply of fuel for this district; and casuarina plantation is besides being largely carried on, and at little cost, in waste lands and there is ample scope for the extension of such plantation. The reservation of reserves in question for the supply of fuel to Mudbidri, Bantwal and Mangalore, which was as stated above, the reason given in 1921 for their reservation, was therefore quite unnecessary, especially as the two latter places are not within easy reach by river or sea and can more economically get their supply from the large forests.

In 1923 these reserves were brought under the Forest Village System. The restriction sought to be imposed on the continuance of the immemorial custom of removal of dry and green leaf for manure had already been removed and this concession had been ordered to be allowed in all the forests of the district by the Chief Conservator of Forests without linking it to the village system, as attempted by the local officers (vide Mr. Tireman's speech—Legislative Council Proceedings Vol. 17, page 730). Further, the Chief Conservator in response to the requests of villagers, made arrangements for the removal of poles for betel leaf and plantations and for the withdrawal of the restriction regarding the removal of lantana (Legislative Council Proceedings, Vol. 35, p. 708). And the nature of the growth in these reserves was described to be "Forest mainly of fuel with few or no timber trees."

Reserves, placed in 1921 in Class IV which do not include timber trees, and in which the nature of growth was in 1923

found to be forest, mainly of fuel with few or no timber trees, are **for the first time, in the Government Order cancelling the concessions, described as "Sandalwood Reserves."** The sandalwood plants, now in these reserves, must have grown as a result of the protection from fire &c. afforded by the villagers, and the reward for their protection is a conversion of these reserves from fuel to sandalwood reserves, and the withdrawal of concessions enjoyed from time immemorial.

While the reservation of these reserves for fuel was unnecessary, their reservation as sandalwood reserves *i. e.*, for the purpose of income is quite unjustified and entirely repugnant to the Forest policy already described. For, the Government of India's resolution lays down that **every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of their needs for fuel, manure, fodder, &c., and that considerations of Forest income are to be subordinated to that satisfaction.** Sandalwood plants are to be found in unreserved forests also in this district; and their growth in the reserves in question is not extraordinary. **The income to be derived from them after a long period of years would be more than offset by the expenditure that will have to be incurred for their conservation, and will be quite disproportionate to the losses, and sufferings that will have to be endured by the villagers by the deprivation of manure, fuel, fodder, &c. as represented by their representatives in the Legislative Council (vide Legislative Council Proceedings Vol. 41, pages 216-220, Vol. 53, pp. 117-173).**

That there were such abuses as are said to exist now was admitted several years ago in the Legislative Council; but the abuses were no doubt considered trivial, as the concessions were continued, and the Administration Report of the Forest Department for 1930-31 stated that the forest Village System has worked satisfactorily in the Mangalore division of this district. Why now it should be thought that these trivial abuses justify the withdrawal of the concessions is not clear. **Perhaps the clue to the action taken is supplied by the reserves being for the first time described as sandalwood forests. It is now apparently thought by the local Forest authorities that the continuance of the concessions may be prejudicial to the sandalwood plants to be found in these reserves. These authorities obsessed by the idea of income have lost sight of the main principles of the forest policy and have made the forest not the "handmaid of agriculture," but its stern mistress.** The Forest policy was no doubt the result of a full consideration of all the facts; and we submit that this policy should be adhered to strictly and that the local authorities should not be allowed to whittle it down in their zeal for forest income, or even in their desire to supply the need for fuel of distant localities.

Sir Archibald Campbell said in the Legislative Council on 16th March 1928:—*The forests of the Province are classified into 2 classes: the provincial forests and ryots' forests. The provincial forests include those which it is desirable to work commercially and for which as much revenue as possible should be obtained. The ryots' forests, on the other hand, are those which are near villages and are not so important commercially but are important to the local people. (Legislative Council Proceedings Vol. 41 p. 242).* Once the principle is admitted of allowing villagers the use of ryots' forests without any regard for income to Government—and it could not have been more clearly and liberally admitted than in the words just quoted and the words quoted higher up quoted from the Indian Forest Code, it follows that full facilities should be afforded for the exercise of this right, without harassing restrictions; and the only check to be imposed would be in the interests of the adjoining villagers—not in the interests of forest income, or even in the interests of distant villagers. The abuse of the right by some persons should not be visited with punishment on all the villagers. If the Forest Village System which admittedly has never been popular in this district and was forced on the villagers has not been found to work satisfactorily recently, the Village Panchayat System with full power vested in the Panchayats under the supervision, guidance and control of the Revenue Department might be introduced. This was the request made in the Memorials of the villagers of Hosabettu and Todar, ending with the one in 1928 supported by a note made by Mr. J. A. Saldanha, the then M. L. C., and rejected by Government in their G. O , No. Mis. 38, dated 7th January 1929 (Development Department). The forest village system which was introduced for the benefit of villagers residing within such forests appears to be inappropriate to ryots living outside the forests. We would recall the statement made by Sir Archibald Campbell in the Legislative Council on 16th March 1928 (Legislative Council Proceedings Vol. 41, p. 242) that the **policy of Government in regard to those reserves which come under the class of "Ryots' Forests important to local people" has been to transfer them to the management of panchayats of local inhabitants.**

If these panchayats do not work satisfactorily, every endeavour should be made to improve them. It should be remembered that ryots' forests are for the benefit of villagers; and even if the panchayats cannot be weeded of their defects, this evil is to be preferred to the evil of placing difficulties in the pursuit of agriculture already in a depressed state, imposing harassing restrictions on villagers and incurring heavy expenditure on highly paid supervising officers, and corrupt subordinate staff who, in the opinion of the Government of India (vide its resolution already quoted), cannot rightly be invested with power over villagers.

We beg, in these circumstances, that the order of cancellation of the concessions referred to may be withdrawn, or that at least it may be suspended pending a full investigation by a committee including some non-officials.

We are,
Sir,
Your most obedient servants,

(Signed) R. F. C. Mascarenhas

Rt. Rev. Mgr. R. F. C. Mascarenhas,
Vicar General of the Diocese of Mangalore.
PRESIDENT.
(For the South Kanara Catholic Association)

A. L. Pinto, (Rao Sahib),
Retired Deputy Collector,
HONY. SECRETARY.

Supplement to the *Konkni Purven*, 2nd June 1933

EDITOR: ALEX A. PAIS, B. A., LL. B.

Forest Grievances

Todar and Hosabettu Reserves

(1) These reserves (IV class forests) isolated and interlaced with cultivated areas in Hospet Parish were created in 1888-1890 extending over 468 and 401 acres for fuel purposes.

(Legislative Council Proceedings II 1921 page 522; XXXV 1927 p. 707, p. 774).

(2) The privileges conceded were—(*a*) Removal of *green manure* leaves of unclassified trees as well as dry leaves. (*b*) Collection and removal of dead trees 3 inches in diameter. (*c*) Clearing undergrowth to a distance of ½ mile from the limits of private holding. (*d*) The removal of poles 5 feet in height for betel leaf plantation. (*e*) Cutting of trees within a furlong from a house for sanitary purposes.

These privileges, old as they are, were firmly established as a result of persistent agitation in and outside the Legislative Council from 1921 to 1930. Concessions (*a*) (*b*) (*c*) and (*d*) are withdrawn and the panchayats dissolved with effect from 1st April 1933 in respect to the two reserves specified and several other reserves in S. Kanara on the ground that the concessions have been abused.

(3) The responsibility of the proper carrying out of the concessions was thrown on panchayats, with the aid of or rather subject to the control of one single forest guard, low-paid, with all the possible temptation for corruption in defeating the objects for which the panchayats were created.

Forest, village panchayat system has admittedly never been popular and has been objected to by the villagers of Todar and Hosabettu in their petitions to Government in 1926 and 1928, and my notes submitted in 1928 and 1929. They demanded and demand still the reversion of the reserves and their being handed over to the Revenue Department for being managed by panchayats under the supervision of the Panchayat Officer.

(4) Great deal of confusion has been caused by linking the panchayat system with ancient privileges of villagers to remove green manure leaf as well as dry leaf and such ordinary auxiliary concessions, which had been existing from time immemorial before the forests were reserved, as may be judged from the reports of Collectors and the proceedings of the Revenue Board—some of which are quoted in Bombay and Madras High Court cases. (see specially *Secretary of State vs. M. Krishnaya*—I. L. R. 28 Mad. 257 at pp. 260, 264, 279, 280, 205.) This linking was objected by the villagers in their petitions and my notes to Government and the mistake was admitted by Mr. Tireman, Chief Conservator, in his speech on 19—3—'24 (L. C. P. XVII p. 730), when he said "As regards the manure leaf, both green and dry leaves, I gave orders some time ago that they should be given to the people free. The orders were misunderstood in some way and I am now enquiring why this was not done. As a matter of fact, I think the matter was mixed up with the question of forming village panchayats. In any case I am now giving orders that these leaves—green and dry—are to be given to the people free, as long as the people refrain from setting fire to the forests.

(5) These ancient rights were survivals of the attempt of Government "to gradually extinguish proprietary rights" of ryots in forests adjoining their wargs pathetically pointed out in the District Judge's judgment quoted on p. 260 Ibid) and deserve to be maintained whatever fate the panchayats deserve to meet.

(6) Tney were practically enforced by the villages though by frequent and numerous breaches of restrictions and formally revived as necessary concessions but linking them with the forest village system only in some villages including Todar and Hosabettu. That system has been reported to have worked satisfactorily in the North Mangalore Division (see Forest Administration Report

for 1930-31, Vol. I para 113 The Forest Department has been making serious efforts to extend the system but without success because people are sure of their forest concessions without the burden of forest panchayats (Ibid). It is incredible that there have occurred serious and extensive abuses since 1932 to demand the suppression of the village system and with that the withdrawal of all forest concessions that had been existing irrespective of that system

(7) The woes of our cultivators as a result of the reserved forests may be described in the pathetic words of a respectable long-standing resident at Hospet who has studied their conditions carefully:

"The two Reserves, Todar and Hosabettu, are the cause of great hardships to the cultivators on account of the loss of cattle, malaria, want of green leaves for the fields etc. It is heart-rending to hear how they lose their cattle sometimes at the time of cultivation. The Bengal tigers kill also buffaloes—either they have to get another or leave the cultivation. They are compelled to mortgage every possession of theirs to get another pair. In this locality, bananas and other vegetables, sweet potatoes etc., cannot be cultivated on account of the wild boars etc. Only selfish motives can make the Forest Subordinates heartless to the misery of the poor people on account of the Reserves and the Government merciless for the sake of revenue by sucking the blood of the poor people."

This confirms only the eloquent appeals in Mr. A. B. Shetty's speech in the Council on 14—3—1933 as well as in speeches made by former M. L. C's. of S. Kanara in the Council, which stand on strong contrast to the speech of Mr. M. S. Sreshta, lukewarm, as it is, while giving away the whole case. (See Proceedings printed below.)

The misery of the people will only increase tenfold by turning the reserves into *preserves of sandalwood versus ancient preserves of agriculture and horticulture.*

(8) The immemorial privileges to green manure leaf etc., adjoining forests as far as netti-kattu (ridge) has always been distinguished from the privilege of use of the *Kumaki* land (100 yards) an *exclusive* privilege and has been enjoyed and is entitled to be enjoyed irrespective and in addition to that of the Kumaki land—as in common by the village people and as a necessary concession (see the High Court Judgment cited above) To deprive the villagers of the former because of the existence of the latter would be very unfair and disastrous to them

Mangalore, JEROME A. SALDANHA,
10—5—1933 EX-M. L. C.

Forest Grievances of S. Kanara

Proceedings of the Legislative Council of the Governor of Madras, Tuesday, the 14th March 1933—Budget Debate—Demand IV—Forests—Reserved.

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Sir, on the recommendation of His Excellency the Governor, I move

'that the Government be granted a sum not exceeding Rs. 32,32,300 under Demand IV—Forests—Reserved.'

Mr. V. T. Arasu:—"Mr. President, Sir I rise to move the motion standing in my name, viz:-

'that the allotment of Rs. 28,400 for Forest—General Direction—Reserved—Pay of Establishments, be reduced by Rs. 100.'

* *

Mr. M. S. Sreshta:—

* *

"Now I come to a grievance of the South Kanara district. I believe other districts also share this grievance. While we are attempting to tide over these evil days, it is unfortunate that the Chief Conservator of Forests should have passed an order on 17th December 1932 withdrawing all the concessions now enjoyed by cultivators in reserved forests. I think this is hardly the time for the withdrawal of these concessions. It may be that these will have to be withdrawn some time or other, but to do so now is quite wrong. The order I hope will be reconsidered and withdrawn, to bring it into effect, if necessary, later on when times change

Mr. A. B. Shetty

*

My hon. Friend, Mr. Sreshta, has drawn attention to a circular of the Chief Conservator in which he proposes to withdraw the concessions

which have been enjoyed by the ryots in South Kanara for the last ten years. When the hon. the Law Member happened to visit South Kanara in 1931, representations were made to him at different places and he had ample opportunity to know what the various forest grievances of the people were. It is very disappointing to find that instead of removing the grievances of the people in any way, he is now considering the proposal to withdraw the concessions which the people have been enjoying It would be a great hardship indeed if he consents to the proposal of the Chief Conservator. Let it not be said of the hon. the Law Member that the people asked for bread and he gave them a stone. Time and again, attention has been drawn to the grievances of the ryots who live in the vicinity of the reserve forests, and it has been pointed out how on account of the rayages of wild beasts their crops are damaged and their cattle are killed and how the people suffer from malaria which is caused by the proximity of forests to human habitations. Government have paid little heed to our representations.

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—

"My Friends Mr Sreshta and Mr. Shetty referred to the withdrawal of certain concessions in the South Kanara district. Those concessions which the ryots of South Kanara District were enjoying were peculiar to that district. These were not enjoyed by ryots in any other part of the Presidency. These concessions which are peculiar to the district are being abused by them. For instance one of the privileges given to them is to remove dead trees without payment of any fees to Government. The ryots go and cut green trees so that they may become dead trees. Thus for the purpose of enjoying this privilege they abuse the privilege and therefore the Government have been compelled to publish a notification telling the ryots that if they don't cease to abuse these privileges the concessions will be withdrawn.

* * *

Berefalke Cemetry

This cemetry belonging to the Milagres Parish at Kankanady—covering some 5 acres—has been used for burial of paupers and lepers of Fr. Mullers' Institutions. Some years ago a movement was started to build a mortuary chapel, the Kankanady Catholics having undertaken to pay half the cost of the building It died a natural death for want of encouragement from the Parish authorities. A cross was solemnly blessed and planted on the spot last year at the cost of Mr. Sequeira, a Gurkar of the Rosario parish near by. A mortuary chapel is projected for the use of retired priests. The first solemn funeral took place, on the 20th May, when a baby of Mr. Iraeneus Lobo of Jeppu was buried at the place, the assistant Parish Priest attending and officiating at the obsequies. One of the gentlemen present congratulated Mr. Lobo at his courage in having the funeral done at the new cemetery in a solemn manner so as to save the funeral cortege a long fatiguing tedious walk to the Milagres cemetry. It is hoped that the mortuary chapel will be for the use of the laity as well as the clergy

Indian Christians and the Joint Select Committee

A Memorandum has been submitted to the Joint Select Committee by Dr. F. X. DeSouza M. L. A. as President of the All India Catholic League, urging that a list of fundamental rights might be included in the Parliamentary Statute rather than relegate them to the King's Proclamation or Instruments of Instructions for the Governor General and Governors for guidance, as recommended in the Proposals contained in the White Paper for Indian Constitutional Reform. The main ground for the request is that a Proclamation has no binding legal force and instruments of instructions may change with the varying views on fundamental rights of changing party governments.

Panchayat Courts

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To A.S.

Please see the papers supra. May be lodged and attached with G.O. 682 Dev'd 7.6.33 (X)

M 10.6.33

It does not appear necessary to take any action on such representations unless they are received through, and supported by, the C.C.F. of the Bde. of the district.

May be submitted to C.2 for orders whether these representations should be sent for report. It is possible the S. Kensington Landholders' Assn. will be sending a memorandum on the subject - vide my Memo. of even No. 682 d. 7.6.33 (X).

RL 12.6.33 S.

I do not see how the C.C. of F. could add anything to the report already made on the subject

12/6

A.M.C.2. to be lodged.

12/6

18.6.33

14/7

Jerome A. Saldanha, B. A., LL. B.
Retired Jl. Dt. Judge & Sessions Judge,
ADVOCATE.

OFFICE: COURT ROAD,
MANGALORE.

ASSISTANT SECRETARY TO GOVERNMENT
14 JUN 1933
DEVELOPMENT DEPARTMENT

R 1352/33
15.6.33
Dev S.

MANGALORE,
Belmont, Kankanady P. O.,
S. KANARA.

Dated 10/6 1933

Hon'ble Sir

Dear Hon'ble Sir,

The question without
of the concession in Revenue forest allowed
to cultivators - especially those of Hosakote
& Jodar in N. Kanara has been before
you for some time & I had submitted a note
on a representation of the cultivators of the
last mentioned taluk in June 1933 to the
Secretary to Government - Development Dept. (No.
and requesting - a copy of
which is now by
connection with a memorandum submitted
by the President of the S. K. Cash. Assn.,
in the matter which I had some hand. Since
then, I may less stress on the
hardship to the ryots of N. Kanara arising
the concession especially the number of cattle

grant means leave free of payment of fee
as an exception to the general rule in
the Province by an Executive Order
Conditions you desire, which are laid
down and described in the S. Kanara Manual and
in G.L.R. 2 - Nos. 1, 257, 260, 264, 279
280, 295, (2) applicable of free
grant of occupancy - cannot be
subject to
subject to certain unspecified conditions
Government
Certificates as to the character
as provided by the Bombay Tenancy
XVII of 1939
(3) shall be paid as per rule 2
Secretary (Admn.) 1930-31 in 1932
Chief Forest Dept - Admn. Report for 1931-32
(4) This order shall not apply to
Divisions above as to mean-while
undertaken and you enter.
as well
as the Canara Colonization Rules
System

As direct enclosed Petition
Collectors are ag at present -
Forest Department concerned in the
Need any appeal

Yours faithfully
J. H. Stevens

C.No. 52-1/33. 63(a) 4300-I 99

Encls: Two.

Note for the Senior Translator to Government.

Reference: Senior Translator's Office C.No.771 dated 17-5-1933 communicating U.O.No.D.11021/33-1, Development, dated 15-5-1933. - Kanarese petition - translation.

1111-25-33 ---

The Kanarese petition received with the U.O.Note above referred to, is returned herewith with an abstract thereof in English.

Madras,
2nd June 1933

S. Kamakshi Rao Avergal
Kañarese Translator to Government.

Supplement to the *Konkni Dirven*, 2nd June 1933

EDITOR: ALEX A. PAIS, B. A., LL. B.

Forest Grievances

Todar and Hosabettu Reserves

(1) These reserves (IV class forests) isolated and interlaced with cultivated areas n Hospet Parish were created in 1888-1890 extending over 468 and 401 acres for fuel purposes

(Legislative Council Proceedings II 1921 page 522: XXXV 1927 p. 707, p. 77.

(2) The privileges conceded were—(*a*) Removal of *green manure* leaves of unclassified trees as well as dry leaves. (*b*) Collection and removal of dead trees 3 inches in diameter. (*c*) Clearing undergrowth to a distance of ½ mile from the limits of private holding. (*d*) The removal of poles 5 feet in height for betel leaf plantation. (*e*) Cutting of trees within a furlong from a house for sanitary purpose

These privileges, old as they are, were firmly established as a result of persistent agitation in and outside the Legislative Council from 1921 to 1930 Concessions (*a*) (*b*) (*c*) and (*d*) are withdrawn and the panchayats dissolved with effect from 1st April 1933 in respect to the two reserves specified and several other reserves in S. Kanara on the ground that the concessions have been abused.

(3) The responsibility of the proper carrying out of the concessions was thrown on panchayats, with the aid of or rather subject to the control of one single forest guard, low-paid, with all the possible temptation for corruption in defeating the objects for which the panchayats were created

Forest village panchayat system has admittedly never been popular and has been objected to by the villagers of Todar and Hosabettu in their petitions to Government in 1926 and 1928, and my notes submitted in 1928 and 1929. They demanded and demand still the reversion of the reserves and their being handed over to the Revenue Department for being managed by panchayats under the supervision of the Panchayat Officer.

(4) Great deal of confusion has been caused by linking the panchayat system with ancient privileges of villagers to remove green manure leaf as well as dry leaf and such ordinary auxiliary concessions, which had been existing from time immemorial before the forests were reserved, as may be judged from the reports of Collectors and the proceedings of the Revenue Board—some of which are quoted in Bombay and Madras High Court cases. (see specially *Secretary of State vs. M. Krishnaya*—I. L. R. 28 Mad. 257 at pp. 260, 264, 279, 280, 285.) This linking was objected by the villagers in their petitions and my notes to Government and the mistake was admitted by Mr. Tireman, Chief Conservator, in his speech on 19—3—'24 (L. C. P. XVII p. 730), when he said "As regards the manure leaf, both green and dry leaves, I gave orders some time ago that they should be given to the people free. The orders were misunderstood in some way and I am now enquiring why this was not done. As a matter of fact, I think the matter was mixed up with the question of forming village panchayats. In any case I am now giving orders that these leaves—green and dry—are to be given to the people free, as long as the people refrain from setting fire to the forests."

(5) These ancient rights were survivals of the attempt of Government "to gradually extinguish proprietary rights" of ryots in forests adjoining their wargs pathetically pointed out in the District Judge's judgment quoted on p. 260 Ibid) and deserve to be maintained whatever fate the panchayats deserve to meet.

(6) They were practically enforced by the villages though by frequent and numerous breaches of restrictions and formally revived as necessary concessions but linking them with the forest village system only in some villages including Todar and Hosabettu. That system has been reported to have worked satisfactorily in the North Mangalore Division (see Forest Administration Report

for 1930-31, Vol. I para 113). The Forest Department has been making serious efforts to extend the system but without success, because people are sure of their forest concessions without the burden of forest panchayats (Ibid). It is incredible that there have occurred serious and extensive abuses since 1932 to demand the suppression of the village system and with that the withdrawal of all forest concessions that had been existing irrespective of that system

(7) The woes of our cultivators as a result of the reserved forests may be described in the pathetic words of a respectable long-standing resident at Hospet who has studied their conditions carefully:

"The two Reserves, Todar and Hosa bettu, are the cause of great naradships to the cultivators on account of the loss of cattle, malaria, want of green leaves for the fields etc. It is heart-rending to hear how they lose their cattle sometimes at the time of cultivation. The Bengal tigers kill also buffaloes—either they have to get another or leave the cultivation. They are compelled to mortgage every possession of theirs to get another pair. In this locality, bananas and other vegetables, sweet potatoes etc., cannot be cultivated on account of the wild boars etc. Only selfish motives can make the Forest Subordinates heartless to the misery of the poor people on account of the Reserves and the Government merciless for the sake of revenue by sucking the blood of the poor people."

This confirms only the eloquent appeals in Mr. A. B. Shetty's speech in the Council on 14—3—1933 as well as in speeches made by former M. L. C's. of S. Kanara in the Council, which stand on strong contrast to the speech of Mr. M. S. Sreshta, lukewarm, as it is, while giving away the whole case. (See Proceedings printed below.)

The misery of the people will only increase tenfold by turning the reserves into *preserves of sandalwood versus ancient preserves of agriculture and horticulture.*

(8) The immemorial privileges to green manure leaf etc., adjoining forests as far as netti-kattu (ridge) has always been distinguished from the privilege of use of the *Kumaki* land (100 yards) an *exclusive* privilege and has been enjoyed and is entitled to be enjoyed irrespective and in addition to that of the Kumaki land—as in common by the village people and as a necessary concession (see the High Court Judgment cited above). To deprive the villagers of the former because of the existence of the latter would be very unfair and disastrous to them

Mangalore EROME A. SALDANHA,
10—5—1933. EX-M. L. C.

Forest Grievances of S. Kanara

Proceedings of the Legislative Council of the Governor of Madras, Tuesday, the 14th March 1933—Budget Debate—Demand IV—Forests—Reserved.

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Sir,, on the recommendation of His Excellency the Governor, I move—

'that the Government be granted a sum not exceeding Rs. 32,32,300 under Demand IV—Forests—Reserved."

Mr. V. T. Arasu:—"Mr. President, Sir I rise to move the motion standing in my name, viz:—

'that the allotment of Rs. 28,400 for Forest—General Direction—Reserved—Pay of Establishments, be reduced by Rs. 100.'

Mr. M. S. Sreshta:—

"Now I come to a grievance of the South Kanara district. I believe other districts also share this grievance. While we are attempting to tide over these evil days, it is unfortunate that the Chief Conservator of Forests should have passed an order on 17th December 1932 withdrawing all the concessions now enjoyed by cultivators in reserved forests. I think this is hardly the time for the withdrawal of these concessions. It may be that these will have to be withdrawn some time or other, but to do so now is quite wrong. The order I hope will be reconsidered and withdrawn, to bring it into effect, if necessary later on when times change

Mr. A. B. Shetty:

* * *

My hon. Friend, Mr. Sreshta, has drawn attention to a circular of the Chief Conservator in which he proposes to withdraw the concessions

which have been enjoyed by the ryots in South Kanara for the last ten years. When the hon. the Law Member happened to visit South Kanara in 1931, representations were made to him at different places and he had ample opportunity to know what the various forest grievances of the people were. It is very disappointing to find that instead of removing the grievances of the people in any way, he is now considering the proposal to withdraw the concessions which the people have been enjoying It would be a great hardship indeed if he consents to the proposal of the Chief Conservator. Let it not be said of the hon. the Law Member that the people asked for bread and he gave them a stone. Time and again, attention has been drawn to the grievances of the ryots who live in the vicinity of the reserve forests, and it has been pointed out how on account of the ravages of wild beasts their crops are damaged and their cattle are killed and how the people suffer from malaria which is caused by the proximity of forests to human habitations. Government have paid little heed to our representations.

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—

"My Friends Mr. Sreshta and Mr. Shetty referred to the withdrawal of certain concessions in the South Kanara district. Those concessions which the ryots of South Kanara District were enjoying were peculiar to that district. These were not enjoyed by ryots in any other part of the Presidency. These concessions which are peculiar to the district are being abused by them. For instance one of the privileges given to them is to remove dead trees without payment of any fees to Government. The ryots go and cut green trees so that they may become dead trees. Thus for the purpose of enjoying this privilege they abuse the privilege and therefore the Government have been compelled to publish a notification telling the ryots that if they don't cease to abuse these privileges the concessions will be withdrawn.

Berefalke Cemetry

This cemetry belonging to the Milagres Parish at Kankanady—covering some 5 acres—has been used for burial of paupers and lepers of Fr. Mullers' Institutions. Some years ago a movement was started to build a mortuary chapel, the Kankanady Catholics having undertaken to pay half the cost of the building. It died a natural death for want of encouragement from the Parish authorities. A cross was solemnly blessed and planted on the spot last year at the cost of Mr. Sequeira, a Gurkar of the Rosario parish near by. A mortuary chapel is projected for the use of retired priests. The first solemn funeral took place, on the 20th May, when a baby of Mr. Iraeneus Lobo of Jeppu was buried at the place, the assistant Parish Priest attending and officiating at the obsequies. One of the gentlemen present congratulated Mr. Lobo at his courage in having the funeral done at the new cemetery in a solemn manner so as to save the funeral cortege a long fatiguing tedious walk to the Milagres cemetry. It is hoped that the mortuary chapel will be for the use of the laity as well as the clerg

Indian Christians and the Joint Select Committee

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Copy of letter from Mr.J.A. Saldanha to the Hon'ble the Law Member dated 10-6-33.

The question of withdrawal of the concessions in reserved forests allowed to cultivators especially those of Hosabettu and Todar in S. Kanara has been before you for some time. I had submitted a note on representation of the cultivators of the last mentioned two villages in April 1933 to the Secretary to Government, Development Department (Forests) and have sent one recently -- a copy of which in print, I beg to submit in connection with a memorandum submitted by the President of the S.Kanara Catholic Association, in drawing which I had some hand. In sending my printed note, I may lay stress on these points:- (1) the ryots of S. Kanara enjoy the concessions especially the privilege of taking green manure leaves free of payment of fees as an exemption to the general rule in the Presidency on account of the exceptional conditions of this district, which are well described in the S. Kanara Manual and in I.L.R. Nos.Mad.257 at pages 260, 264, 279, 280, 295); (2) The privilege of free grant of green leaves - cannot be intermixed with forest village panchayat system - as it was attempted to be as pointed out by Mr. Tireman in his speech on 15-4-24 (L.C.P.XVII p.730) (3) that system was reported to be satisfactory till 1930-31 in 1932. (See Forest Department Administration report for 1931-32). (4) There could not have occurred such extensive and serious abuses as to necessitate withdrawl of the concessions as well as the cancellation of the forest village panchavats system.

Our district includes Catholic cultivators especially at Hosabettu and Todar - much concerned (in the) Hence my appeal.

88

TO A.S.

May be lodged ✓Stitched with Gp 682 dated 7.6.33 with reference to A's pencil remarks at p 1 supra a draft letter to Mr JA Salcham is submitted for approval

TM 19.6.33. Kiel 19.6.33

RC 22/6/33 gmc

86

Dev Dept

Letter No 13521/33-D1 22-6-33

To.

J. A. Salohana. Esq
B.A. LLB.
Retired Dt Sessions Judge
"Belmont"
Mangalore

Sir,

Forest Concessions. S. Kanara.

I am directed to acknowledge the receipt of your letter dated 10.6.1933 addressed to the Hon. the Law Member on the above subject.

I have etc.